

### REMARKS/ARGUMENTS

Favorable reconsideration of this application, in light of the following discussion, is respectfully requested.

Claims 1-8, 10, 12-20, 22, 24, and 26 are presently active in this case. Claims 1, 14, and 15 are amended with support in the originally filed disclosure at least at paragraphs [0042] to [0045] of the published Specification. Thus, no new matter is added.

In the outstanding Office Action, Claims 1-4, 6-8, 10, 12-20, 22, 24 and 26 were rejected under 35 U.S.C. § 103(a) as unpatentable over Immonen, et al. (U.S. Patent No. 7,010,305, herein "Immonen") in view of Hodgkinson, et al. (U.S. Patent No. 7,209,437, herein "Hodgkinson"); and Claim 5 was rejected under 35 U.S.C. §103(a) as being unpatentable over Immonen in view of Rinne (U.S. Publication No. 2005/0185651).

At the outset, Applicants and Applicants' representative thank Examiner Murphy for the courtesy of an interview with Applicants' representative on January 6, 2010. The discussion during that interview is substantially reflected in the amendments and remarks herein.

Applicants respectfully traverse the rejections of the pending claims.

The outstanding Office Action asserts Immonen as teaching every element of Claim 1 except "if radio resources still remain after assignment...assigns remaining radio resources," which it asserts Hodgkinson as teaching.

However, Immonen fails to teach a base station comprising a packet classification unit as defined by amended Claim 1.

Amended Claim 1 recites, *inter alia*, "a packet classification unit configured to **classify each packet** received/transmitted from/to a plurality of mobile stations **into a quantitative guarantee type packet** having a request value, which indicates a quantitative value for communication quality, included in the quantitative guarantee type packet **or a**

**relative guarantee type packet** not having a request value included in or attributed to the relative guarantee type packet **when the relative guarantee type packet is received and classified or classified and transmitted**, the request value indicating a quantitative value for communication quality.”

The outstanding Office Action asserts the PAC 34 of Immonen as teaching a packet classification unit as defined by Claim 1. Immonen describes, at column 13, that the header of each IP packet is processed, and “based on the header information and the IP packet filtering information the packet is scheduled for a certain WLAN QoS class.”

With regard to a relative guarantee type packet, the outstanding Office Action asserts a different embodiment of Immonen that describes, at column 9, user equipment 11 requesting a desired QoS profile for its transmissions or being assigned a default profile if it does not request a specific QoS profile for its transmissions.

Each of the above assertions with regard to the classifying unit defined by Claim 1 is addressed in turn.

The processing of the header of the packet described at column 13 of Immonen and asserted as packet classification fails to teach classification based on a **packet having or not having** a request value “indicating a **quantitative value** for communication quality,” as defined by Claim 1. Instead, as described above, header information is processed in order to assign a QoS class to a packet in Immonen.

Thus, every packet has the header information rather than some packets being classified based on not having the header information as required by Claim 1. Further, the header information does not teach a request value indicating a quantitative value for communication quality, as defined by Claim 1.

The user equipment 11 of Immonen requesting or not requesting a specific QoS profile as described at column 9 also fails to teach classifying as defined by Claim 1. First,

the user equipment 11 requesting one of a plurality of QoS profiles does not teach “a request value, which indicates a quantitative value for communication quality,” as recited by Claim 1, because the request for a specific QoS profile is not described in Immonen as a request value and also because a QoS profile does not indicate a quantitative value for communication quality but, instead, specifies queue, drop and scheduler profiles for the user equipment 11.

Further, even if, *arguendo*, the user equipment 11 of Immonen requesting or not requesting a QoS profile were properly asserted as the user equipment request having or not having a request value, the request applies to classification of the user equipment 11 rather than to each packet.

Hodgkinson fails to cure the deficiencies of Immonen and is not asserted for the features discussed above as deficient in Immonen.

Because Immonen and Hodgkinson, even in combination, do not teach or suggest every feature of amended Claim 1, Applicants respectfully request that the rejection under 35 U.S.C. § 103(a) of Claim 1 and Claims 2-4, 6-8, 10, 12, 13, 16, and 22, which depend therefrom, be withdrawn.

Claims 14 and 15, though differing in scope and statutory class from Claim 1, patentably define over the combination of Immonen and Hodgkinson for reasons similar to those discussed above with regard to Claim 1. Thus, Applicants respectfully request that the rejection under 35 U.S.C. § 103(a) of Claim 14, Claims 18, 19, and 24, which depend therefrom, Claim 15, and Claims 20 and 26, which depend therefrom, be withdrawn.

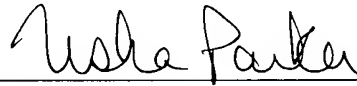
Claim 5 depends from Claim 1 and, therefore, patentably defines over Immonen and Hodgkinson, which is not cited against Claim 5, for at least the same reasons as Claim 1. Further, Rinne is cited solely as teaching features of dependent Claim 5 and does not cure the deficiencies of Immonen and Hodgkinson conceded in the outstanding Office Action and

noted above with regard to Claim 1. Thus, Applicants respectfully request that the rejection of Claim 5 under 35 U.S.C. § 103(a) be withdrawn.

Accordingly, the outstanding rejections are traversed and the pending claims are believed to be in condition for formal allowance. An early and favorable action to that effect is, therefore, respectfully requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.



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Bradley D. Lytle  
Attorney of Record  
Registration No. 40,073

Customer Number  
**22850**

Tel: (703) 413-3000  
Fax: (703) 413 -2220  
(OSMMN 03/06)

Usha Munukutla-Parker  
Registration No. 61,939